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Attorney for plaintiff JERMAINE MONTIEL

**IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

JERMAINE MONTIEL,

*Plaintiff,*

v.

OFFICER M. WILLIAMS, BADGE NO. 3751,  
individually and in his capacity as a San Jose police  
officer; SERGEANT C. SHEPPARD, BADGE  
NO. 3125, individually and in his capacity as a  
San Jose police officer and supervisor; OFFICER  
HERNANDEZ, BADGE NO. 3898, individually  
and in his capacity as a San Jose police officer;  
OFFICER RODRIGUEZ, BADGE NO. 3087,  
individually and in his capacity as a San Jose police  
officer; JOHN DOE and RICHARD ROE,  
individually and in their capacities as San Jose  
police officers, the true names and exact numbers  
of whom are unknown at this time; ROBERT  
DAVIS, individually and in his capacity as Chief  
of Police for the City of San Jose; CITY OF SAN  
JOSE, a municipal corporation,

*Defendants.*

No. C 07 05490 JF

STIPULATION AND  
~~[PROPOSED]~~ ORDER  
AMENDING SCHEDULING  
ORDER.

**IT IS HEREBY STIPULATED** by and between the parties hereto through their respective  
attorneys of record that having met and conferred that the jury selection and trial dates in this matter  
be amended as follows:

Jury Selection: 15 October 2010 at 1:30 P.M.

Jury Trial: 18 October 2010 at 9:00 A.M. and thereafter.

All other dates to remain unchanged.

The grounds for this stipulation and order are that plaintiff's counsel is engaged in a major case involving significant injuries in the matter of *Koopen v. Aberle, et al.*, Alameda County Superior County case number HG06266136, and it is likely that this case will indeed be sent out during the time this matter is set for trial.

Dated: 15 April 2010

**BOSKOVICH & APPLETON**

/s/Anthony Boskovich  
By: \_\_\_\_\_  
ANTHONY BOSKOVICH,  
Attorney for Plaintiff

Dated: 13 April 2010

**OFFICE OF THE CITY ATTORNEY**

/s/ Michael Groves  
By: \_\_\_\_\_  
Michael Groves  
Attorney for Defendants

**It is so ordered:**

Dated: 4/23/10

  
\_\_\_\_\_  
The Honorable Jeremy Fogel  
Judge of the United States District Court